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Topics	End Police Discrimination Against Poor Filipino Children by Atty. Perfecto G. Caparas II, LLM (Coalition to Stop Child Detention Through Restorative Justice) <i>Wednesday Jan 21st, 2004 11:47 PM</i>					
animal lib anti-war arts + action drug war education en español environment global justice government health/housing immigrant media labor lgbti / queer police state racial justice womyn	Each day, 36 to 54 Filipino kids languish and get mixed up with adult prisoners in cramped police jails where a number of them get raped, tortured, and tattooed and deprived of access to legal, medical, social, and psychological assistance and services in an institutionalized act of unlawful discrimination by the Philippine government against the children of the poorest of the poor					
International	Specter of Brutalized Child Prisoners					
americas haiti iraq palestine afghanistan	Today, we witness the specter of Filipino children prisoners emerging from police custody as victims of rape, torture, tattooing, and other despicable forms of human rights violations, without redress.					
More	Today, we witness the specter of children of the poorest of the poor languishing in prisons practically all over the Philippines deprived by the state of their human right to have direct and immediate access to legal, medical, social, and psychological services and assistance.					
make media get involved calendar gallery archives chat links	They emerge by the thousands.					
	Thousands and thousands of children are being illegally jailed with impunity by the Philippine National Police with adult crime suspects, a number of them being subjected to rape, torture, tattooing, and other atrocities.					
	Thirty-six to 54 children—including girls and kids with mental disabilities—are jailed with adult prisoners everyday.					
	This is based on statistics of the Public Attorney's Office who reported having handled 13,300 cases involving children in conflict with the law (36 kids per day) in 2002. The office of Philippine Senator Francis Pangilinan also expressed concern that 20,000 Filipino kids have been jailed (54 kids per day) in 2003.					
	Children prisoners numbered 6,410 in 1998, 8,623 in 1997, and 7,057 in 1996, based on DSWD figures alone. But more cases do not get documented at all.					
	There were 10,094 children in conflict with the law served by the Philippine Department of Social Welfare and Development in 2000 alone. This staggering figure was even less than the recorded number of children who had been imprisoned in 1999—which leapfrogged to 13,073.					
	Girl-children also get imprisoned with adult prisoners. Out of the 10,094 children prisoners served by DSWD in 2000—703 were girls.					
	Virtually all these children have been illegally hauled off to police jails and locked up together with adult crime suspects upon their arrest.					
	Virtually all these children who would live with us as well as with our children's children have already been exposed to the virus of criminal behavior due to their illegal detention in cramped police cells with adult prisoners.					
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Brazen Illegality

The state practice of jailing children with adult crime suspects in police jails does not only lack any basis in Philippine law. It violates—with impunity—a host of Philippine laws as well. Article 191 of the Child and Youth Welfare Code (Presidential Decree 603) mandates that a child “from the time of his arrest be committed to the care of the Department of Social Welfare.”

Section 11 of the Rules and Regulations on the Apprehension, Investigation, Prosecution, and Rehabilitation of Youth Offenders (1995) provides that “a youth... from the time of his arrest be committed to the care of the Department or the local rehabilitation center or in a detention home distinct and separate from jails.”

Unlawful Discrimination

Children prisoners mostly aged 15 to 17 belong to the poorest of the poor. Their dignity and human rights are emasculated by the state on account of their powerlessness.

Statistical findings of the Social Services Development Department (SSDD) of the Quezon City government show that most children prisoners come from families who could hardly support their own sustenance.

In 2002, 189 out of the total 497 children detained at the Molave Youth Home, a detention center for children run by the SSDD—representing 38 percent—came from the P3,000 (US\$53.9) monthly income group. The others—101 kids (representing 20 percent) and 97 others (comprising 19 percent)—came from the P4,000 (US\$71.9) and P2,000 (US\$35.95) income bracket, respectively.

They comprise 77 percent of the entire 497 children prisoners at Molave in 2002.

The same pattern could be observed among children prisoners in 2001 who comprise 74 percent of the entire 538 jailed children of Molave during the period—with 178 kids coming from the P3,000 (\$53.9) income group (representing 33 percent), 142 from the P4,000 (\$71.9) income bracket (26 percent), and 85 others from the P2,000 (\$35.95) group (15 percent).

The bulk of these prisoners—305 children (57 percent)—were jailed for property-related offenses, including 139 for robbery and 120 for theft.

In 2000, at least 121 jailed kids came from the P3,000 (\$53.9) income bracket (29 percent), 92 others from the P2,000 (\$35.95) income group (22 percent), and 80 from the P4,000 (\$71.9) group (19 percent)—comprising 74 percent of the children detainees during the period.

The SSDD studies on the children prisoners’ economic background also showed that—from 1990 to 1999—the bulk of children prisoners comes from families belonging to the lowest P2,000 to P4,000 (\$35.95 to \$71.9) income groups, confirming the nexus between poverty and crime incidence allegedly involving the young.

This trend reflects the general condition of children prisoners who are mostly concentrated in urban centers. Their powerlessness makes them vulnerable to state agents’ abuse.

The poverty of children prisoners spurs the commission by the state of this crime against humanity that smacks of unlawful discrimination.

Faced with no available space to separately detain arrested children, including those suffering from mental disability, law enforcers mindlessly mix up and detain children with adult crime suspects, unafraid of any culpability on their part for their commission of this human rights violation due to the poverty and powerlessness of their children victims and lack of effective grassroots mechanisms providing redress for this inhumanity.

Lacking in a child rights-oriented political leadership, officers and members of the Philippine National Police callously resort to this brutal state practice with impunity, knowing fully well that children prisoners who come from the ranks of the poorest of the poor cannot defend and protect their own

dignity and human rights against their onslaught.

Nobody cares. As these children—as far as the state is concerned—are inexistent.

This is how this crime against humanity perpetrated by the state against poor Filipino children gradually became institutionalized over the last 50 years or so.

The economic marginalization and political powerlessness bedeviling child prisoners call for affirmative action on the part of the state in order to address this injustice.

And this affirmative action should be carried out by no less than President Gloria Macapagal-Arroyo at the crucial point of contact by these children with agents of the law.

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